

Order

Michigan Supreme Court
Lansing, Michigan

April 28, 2014

147678 & (61)

Robert P. Young, Jr.,
Chief Justice

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

ANTHONY REESE PORTER,
Defendant-Appellant.

SC: 147678
COA: 310293
Wayne CC: 11-004867-FC

By order of February 5, 2014, the prosecuting attorney was directed to address whether the imposition of consecutive sentences in this case violates the Ex Post Facto Clauses of the United States and Michigan Constitutions: US Const, art I, § 10, cl 1; Const 1963, art 1, § 10. On order of the Court, the answer having been received, the application for leave to appeal the July 23, 2013 judgment of the Court of Appeals is again considered. The prosecuting attorney has conceded that it was error to order consecutive sentences because the criminal act preceded the amendment authorizing consecutive sentences. Therefore, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Wayne Circuit Court to amend the judgment of sentence to reflect that the sentences imposed in this case are to run concurrently. *People v Sawyer*, 410 Mich 351 (1981). In all other respects, leave to appeal is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.



p0421

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 28, 2014


Clerk